



## WORKFORCE INVESTMENT COUNCIL DISTRICT OF COLUMBIA



WIC Policy No.	Subject	Date
2013.005	WIA ADULT AND VETERANS PRIORITY OF SERVICE	7/9/2013

**ISSUING ENTITY:**

DC Workforce Investment Council

**SCOPE:**

DC Workforce Investment Council, DC WIA Administrative Entity, One-Stop Operator(s), and Workforce System Stakeholders

**REFERENCES:**

Title I of the Workforce Investment Act of 1998, as amended (29 U.S.C. 2801 et seq.); WIA Regulations, 20 CFR Part 652 et al, 29 CFR Part 95-97; Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230; Veteran's Benefits, Title 38, United States Code (U.S.C.), Section 101(2) (38 U.S.C.101(2)); Eligibility Requirements for Veterans Under Federal Employment and Training Programs, 38 U.S.C. 4213; The Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, section 2(a) codified at 38 U.S.C. 4215; Veterans' Benefits, Health Care and Information Technology Act of 2006, P.L.109- 461; Priority of Service for Covered Persons Final Rule, 20 CFR Part 1010, Fed. Reg.78132 Dec.19, 2008; Training and Employment Guidance Letter (TEGL) 10-09 Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)

**EFFECTIVE DATE:**

October 1, 2013

**OBJECTIVE:**

To provide instruction and guidance on Workforce Investment Act (WIA) priority of service for adults and the veterans and eligible spouses' priority mandate.

**BACKGROUND:**

WIA Section 134(d)(4)(E) states that in the event that funds allocated to a local area for Adult employment and training activities are limited, priority for intensive and training services funded with Title I Adult funds must be given to recipients of public assistance and other low-income individuals in the local area.

On November 7, 2002, the Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288 was signed into law. One provision of the JVA establishes a priority of service requirement for covered persons (i.e. veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs. Since passage of the JVA, Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) have provided policy guidance to the workforce investment system regarding the implementation of priority of service, including the ETA's issuance of TEGL 5-03 in September 2003. On December 22, 2006, the Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461) was enacted. Section 605 of that statute requires priority of service via regulation. 20 CFR Part 1010, published on December 19, 2008, reflects the United States Department of Labor's (DOL) response to that statutory requirement. The Final rule took effect

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on January 19, 2009. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of the Final Rule signals that those recipients subject to the regulations should review, and if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place.

DOL states that the JVA is applicable to operations under current law when a program has its own statutory priorities for certain population groups. WIA Title I has such priorities at section 134(d)(4)(E).

### **PRIORITY OF SERVICE:**

The DC WIA Administrative Entity will invoke the WIA Priority for Services provision when a determination is made that WIA funds are severely limited, defined as a circumstance in which 80% or more of the WIA Adult training funds for the current Program Year are expended or obligated for training services.

To invoke priority of service, the Administrative Entity shall send notice to the Executive Director of the Workforce Investment Council indicating the start of priority of service effective date along with financial figures to support the decision. In addition, the Administrative Entity shall distribute a directive to the One-Stop Operator and all WIA staff and partners that priority of service has been invoked, along with guidance on how to proceed with eligibility and target populations.

In the event that the priority of service provision is invoked, priority of service for all WIA Adult and Dislocated Worker intensive and training services shall be provided to recipients of public assistance and other low-income individuals.

For purposes of this policy, a "recipient of public assistance or low income individual" is defined as an individual who:

- A. receives, or is a member of a family that receives, cash payment under a public assistance program; or,
- B. received an income or is a member of family whose total income for the past six months prior to application did not exceed the poverty line or 70% of the lower living standard income level; or,
- C. is a member of a household that receives or has been determined with the last six months to be eligible to receive food stamps; or,
- D. qualifies as a homeless individual; or,
- E. is an individual with a disability whose income meet the requirements of the program but who is a member of a family whose income does not meet such requirements.

### **VETERANS:**

Regardless of whether the WIA Priority of Services provision has been invoked, veterans shall have priority of service for WIA Adult and WIA Dislocated Worker-funded services as described in WIC Policy No. 2013-010 "WIA Adult and Dislocated Worker Eligibility."

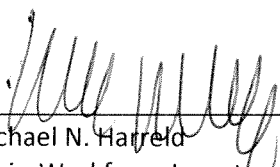
### **RESCISSIONS:**

None

### **CONTACT ENTITY:**

Inquiries regarding this rule should be directed to the Executive Director for the Workforce Investment Council.

**APPROVAL:**

  
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Michael N. Harrel  
Chair, Workforce Investment Council  
Regional President, PNC Financial Services Group